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DAE

PATENT
Customer No. 22,852
Attorney Docket No. 4853.0023-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Y. Sakagami et al.) Group Art Unit: 1654
Serial No.: 10/051,098) Examiner: Gupta, A.
Filed: January 22, 2002)
For: PLANT GROWTH FACTOR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT REGARDING PATENT TERM ADJUSTMENT

Applicants have received the Determination of Patent Term Adjustment Notice that accompanied the Notice of Allowance. This Notice indicated that the Patent Term Adjustment is 71 days.

Applicants filed a Terminal Disclaimer in this case on September 23, 2003. This Terminal Disclaimer disclaims any patent term that would extend past the term of U.S. Patent No. 6,004,906. The '906 is the parent application of the pending application, and thus both have the same effective U.S. filing date from which the basic 20 year patent term is calculated. The Notice did not reflect that the patent term for this application is limited by the Terminal Disclaimer.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 24, 2004

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